

## **Remarks**

### **I. Status of the Claims**

Claims 28-49 are currently pending. No amendments have been made.

### **II. Interview**

Applicants thank Examiners Liu and Kazimi for the courtesies extended during the telephone interview on November 18, 2009 with Applicants' representative, Monika Dudek. During the interview, Applicants' representative and Examiners discussed the rejections, and Examiners agreed to review the presently pending claims in view of the discussion and the arguments presented herein.

### **III. Interview Request Prior to Mailing of Office Action**

If the Examiner chooses to mail an office action in response to Applicant's remarks herein, Applicant believes that an interview prior to mailing such an office action will help achieve a mutual understanding of the terminology recited in the claims and advance prosecution of the application. Applicant requests the Examiner to contact Applicant's representative, Monika Dudek, at 312-476-1118 to schedule a time convenient for the Examiner prior to the mailing of a future office action.

### **IV. Rejection under 35 U.S.C. §112, first paragraph**

On page 2 of the Office Action, the Office rejected Claims 28-49 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. More specifically, the Office contends that Applicants' disclosure does not sufficiently describe a number of elements of the claims. This contention is respectfully traversed.

Applicants respectfully submit that when a disclosure describes a claimed invention in a manner that permits one skilled in the art to reasonably conclude that the inventor possessed the claimed invention, the written description requirement is satisfied. (MPEP §2163). This possession may be shown in any number of ways and an applicant need not describe every claim feature exactly because there is no in haec verba requirement. (MPEP §2163). Rather, to satisfy

the written description requirement, all that is required is “reasonable clarity.” (MPEP §2163.02).

Applicants respectfully submit that one of ordinary skill in the art would reasonably conclude that Applicants’ disclosure adequately describes the claimed invention at least based on the following reasons:

a. Identifying a Long or Short Position Taken by a User

Applicants respectfully submit that one of ordinary skill in the art would reasonably conclude that Applicants’ disclosure provided at least in relation to the example on page 30 of Applicants’ specification adequately describes the feature of “identifying a long or short position taken by a user (...).”

According to Claim 28, the “long position” is associated with “a quantity of the tradeable object that has been bought by the user at a price,” and the “short position” is associated with “a quantity of the tradeable object that has been sold by the user at a price.”

The example at page 30 of Applicants’ specification is directed to using profit and loss, or P/L, as a derivative of price. As explained during the interview, a trader may buy a quantity of a product to create a “long position,” and sell a quantity of a product to create a “short position.” While Applicants’ specification provides the example of generating profit or loss while buying one lot of a tradeable object, and then selling one lot of the tradeable object, Applicants respectfully submit that one of ordinary skill in the art would understand that the terms “long position” and “short position” are not limited to buying one lot and selling one lot.

b. Computing a Plurality of Values Based on the Position

The feature of “computing a plurality of values based on the long or short position, wherein each of the plurality of the plurality of values represents a profit or loss if the long or short position is closed at a price level,” as claimed in Applicants’ Claim 28, is described at page 30 of Applicants’ specification as filed. More specifically, as described in the specification and explained during the interview, if a trader buys one lot of a particular tradeable object at “230,” thus creating a net position of “+1,” the value axis might include a value of “0” associated with the price of “230.” In other words, the value of “0” indicates the gross profit to be acquired if one lot of the tradeable object was sold, i.e., “the long position was closed,” at the associated

price, i.e., at the price of “230.” Similarly, the value axis might include “+1” associated with “231,” e.g., if one lot was sold at “231,” “+2” associated with “232,” e.g., if one lot was sold at “232,” and “-1” associated with “229,” e.g., if one lot was sold at “229,” and “-2” associated with “228,” e.g., if one lot was sold at “228.” Thus, Applicants respectfully submit that one of ordinary skill in the art would reasonably conclude that Applicants’ disclosure adequately describes the aforementioned feature.

c. Displaying a First Indicator Corresponding to a First Value

As explained during the interview, the feature of displaying indicators along the value axis, such as the current best bid indicator or the current best ask indicator, is described in relation to multiple figures of Applicants’ specification as filed. For example, Figure 8 illustrates the current best bid indicator “15” at the price of “230,” and the current best ask indicator at the price of “232.” (See also, page 30 of Applicants’ specification as filed). As explained at page 30, in the embodiment where P/L values are mapped to a value axis, the value axis might include a value of “0” associated with the price of “230,” as well as other values, as explained in the previous section. In such an embodiment, for example, if the current best bid is at the price of “230” corresponding to the value of “0” according to the provided example, a best bid indicator (“a first indicator”) may be displayed at a “first location” corresponding to the “first value” along the “value axis.” While the indicator is displayed in relation to the value axis, the value corresponding to the location of the indicator represents “a profit or loss incurred by the user if the long or short position is closed at the particular price.”

Accordingly, Applicants respectfully submit that the written description requirement is satisfied with respect to all features of the currently pending claims.

V. Rejection under 35 U.S.C. §112, second paragraph

Claims 28-49 are rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants traverse the rejections.

Applicants respectfully submit that the essential question under 35 U.S.C. §112, second paragraph, is whether the claims do, in fact, set out and circumscribe a particular area with a reasonable degree of precision and particularity. Definiteness of claim language is analyzed, not

in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. (MPEP 2173.02).

As explained above and during the interview, Applicants respectfully submit that one of ordinary skill in the art would understand the meaning of a “short position,” a “long position,” and a “closed position.” Thus, Applicants respectfully request reconsideration and removal of the rejections.

VI. Conclusion

Applicant respectfully submits that pending Claims 28-49 are in condition for allowance. Applicants request favorable reconsideration. If Examiner believes that further dialog would expedite consideration of the application, Examiner is invited to contact Trading Technologies Patent Counsel Monika Dudek at 312-476-1118, or the undersigned attorney or agent.

Respectfully submitted,

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